

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - RQR-20054 - APPLICANT: LAS VEGAS
DEVELOPMENT COMPANY - OWNER: CARDAN LINDELL NORTH, L.L.C.

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 2, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. The applicant shall obtain a demolition permit and remove the subject flagpole within 60 days.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required Six Month Review of a Variance (VAR-11759) to allow a proposed 100-foot tall flagpole where 40 feet is the maximum height allowed at 5550 West Sahara Avenue.

The subject flagpole has generated complaints from surrounding neighbors regarding noise. Additionally, the flagpole is not in conformance to the site plans that were submitted with the Variance (VAR-11759) as the monument to the Veterans has not been constructed. Denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/03/06	The City Council approved a request for a Variance (VAR-11759) to allow a proposed 100-foot tall flagpole where 40 feet is the maximum height allowed on the subject property. The Planning Commission recommended approval. Staff recommended denial.
<i>Related Building Permits/Business Licenses</i>	
04/28/06	A building permit (#6003130) was issued for the subject flagpole. A final inspection was not conducted.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.14

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Dealership	GC (General Commercial)	C-2 (General Commercial) C-1 (Limited Commercial)
North	Church	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Auto Dealership	Clark County	Clark County
East	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
West	Auto Dealership	GC (General Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.14:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Maximum Flagpole Height	40 Feet	100 Feet	N

ANALYSIS

Complaints have been received regarding the noise that flag and the hooks that hold on the flag make in the wind. It is further noted that the monument for the Veterans of Foreign Wars that was to be provided has not been installed; thus the flagpole is not in compliance with the plans that were provided with the Variance (VAR-11759) submittal. The subject flagpole is considered too large for the subject property and denial of this request is recommended.

Conditions of approval from VAR-11759:

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-4549), Rezoning (ZON-4550), and Site Development Plan Review (SDR-4551).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

3. The maximum height of the flagpole shall be limited to 100 feet.
4. This Variance shall be reviewed in six (6) months at which time the City Council may require the flagpole be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the flagpole is removed.
5. The flagpole shall not be located within the public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship through their design choices. Alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

SENATE DISTRICT

N/A

<u>NOTICES MAILED</u>	110
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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